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Customer Number

Patent
Case No.: 54913US117

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: CROOKS, STEPHEN L.
Application No.: 10/780379 Group Art Unit: 1625
Filed: February 17, 2004 Examiner: Charanjit Aulakh
Title: UREA SUBSTITUTED IMIDAZOQUINOLINES

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321(c)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR § 1.8(a)]

I hereby certify that this correspondence is being:

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☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

October 26, 2004

Date

Virginia Bergstrom

Signed by: Virginia Bergstrom

Dear Sir:

Petitioner, 3M Innovative Properties Company, a corporation of the State of Delaware having a place of business at 3M Center, St. Paul, MN, represents that it is the exclusive owner of the entire interest in the above-identified application (referred to as the "Subject Application") by virtue of an assignment recorded at Reel 12984, Frame 531/34, on June 12, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,541,485 (referred to as the "First Patent"), filed June 7, 2000, by virtue of an assignment recorded at Reel 11198, Frame 819/21, on October 24, 2000. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,784,188 (referred to as the "Second Patent") filed February 20, 2003, by virtue of an assignment recorded at Reel 12984, Frame 531/34, on June 12, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,573,273 (referred to as the "Third Patent") filed December 21, 2001, by virtue of an assignment recorded at Reel 12984, Frame 531/34, on June 12, 2002. Petitioner further represents that it is the exclusive owner of the entire interest in U.S. Patent No. 6,780,873 (referred to as the "Fourth Patent") filed January 28, 2003, by virtue of an assignment recorded at Reel 11198, Frame 819/21, on October 4, 2000.

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Petitioner disclaims the terminal part of any patent granted on the Subject Application (referred to as a "Subject Patent") which would extend beyond the expiration date of the full statutory term, as defined in 35 USC §§ 154 to 156 and 173 and as presently shortened by any terminal disclaimer, of the First Patent or Second Patent or Third Patent or Fourth Patent. Petitioner hereby agrees that the Subject Patent shall be enforceable only for and during such period that the legal title to such patent and the First Patent or Second Patent or Third Patent or Fourth Patent are commonly owned. This agreement is to run with the Subject Patent and to be binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Petitioner does not disclaim any terminal part of any Subject Patent that would extend to the expiration date of the full statutory term as defined in 35 USC §§ 154 to 156 and 173 of the First Patent or Second Patent or Third Patent or Fourth Patent, as presently shortened by any terminal disclaimer, in the event such First Patent or Second Patent or Third Patent or Fourth Patent later: (1) expires for failure to pay a maintenance fee; (2) is held unenforceable or is found invalid by a court of competent jurisdiction; (3) is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321; (4) has all claims canceled by a reexamination certificate; (5) is reissued; or (6) is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Documents establishing the chain of title of the Subject Application and of the First Patent and of the Second Patent and of the Third Patent and of the Fourth Patent (including the aforementioned assignments and recording locations) have been reviewed and I certify that, to the best of my knowledge and belief, title is in Petitioner.

I declare that all statements made herein of my own knowledge are true and that all statements made herein on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 USC § 1001 and that such willful false statements may jeopardize the validity of the above-identified application or any patent issuing thereon.

Please charge the fee provided in 37 CFR § 1.20(d) and, if necessary, charge any additional fees or credit any overpayment to Deposit Account No. 13-3723. One copy of this sheet marked duplicate is also enclosed.

Respectfully submitted,

26 OCTOBER 2004
Date

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Office of Intellectual Property Counsel
3M Innovative Properties Company
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